THE PROCEEDINGS OF THE Parliament OF PARIS, UPON THE Pope's Bull,

Concerning the Franchiſes in the City of *Rome*, and the following Ordonnance of the 26*th* of *December*.

Tranſlated into *Engliſh* by Order of his Excellency *Monſieur Barillon*, his Moſt Chriſtian Majeſties Ambaſſadour Extraordinary to the King of *Great Brittain*.

LONDON,
Printed for *R. Bentley*, and are to be Sold by *Randal Taylor*, near Stationers-Hall, 1688.

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AN

EXTRACT

Out of the

Regiſters

OF THE

PARLIAMENT

OF

PARIS.

THIS Day the Parliament of *Paris* being aſſembled, the King's Counſel appearing, Mr. *Denys Talon*, his Majeſties Advocate-General made this following Speech, That among the reſt of the Court of *Rome*'s Attempts upon ſe-

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veral Occaſions, in prejudice of the Liberties of the Church of *France*, and of the Rights and Preheminences of the Crown; there has been nothing obſerv'd in the Hiſtory of late Ages, parallel to what was done in the Month of *December* laſt, and which is nothing more but what the Pope has been contriving many Years, in declaring himſelf an Enemy of *France*.

The whole World knows what Care the King has taken to oppoſe the Progreſſes of a growing Hereſie, and to cauſe the Decrees of *Innocent* the 10*th*, and *Alexander* the 7*th*, to be Executed. The Reſolution of re-uniting the whole Kingdom in one and the ſame Belief, ſeem'd not only to Politicians, but to the moſt Pious and Zealous Perſons, a Project equally whimſical and dangerous. Nevertheleſs Our Auguſt Monarch, to whom nothing is impoſſible, eſpecially when he endeavours the Intereſts of Heaven, ſet himſelf ſo ſucceſsfully to this great Work, and ſo happily join'd his Favours and Bounties to the undoubted Juſtice of his Edicts; that this Enterprize is now abſolutely accompliſh'd, by the Re-union of near two Millions of Perſons, that are return'd into the Boſome of the Church, and who at this day own the lawful Power of the See of *Rome*, whoſe Yoak they had before caſt off.

The King, may he not expect from the Pope, continual Teſtimonies of Acknowledgment, not only in Words but in Deeds? Continual increaſe of Kindneſſes

Kindneſſes and Favours? The Church and all its Miniſters, are they not bound to give continual inſtances of Reſpect and Deference to a Prince, from whom they receive ſo potent and ſo efficacious a Protection?

Nevertheleſs the Pope being prepoſſeſs'd by Factious Spirits, would needs take Cognizance of the Declarations the King made upon the point of the *Regalia*, without conſidering that this Right, one of the moſt Eminent of the Crown, has been acknowledg'd by a vaſt number of his Predeceſſors, who never pretended, either to take Cognizance of it, or put Bounds to it.

And though the King, being thoroughly inform'd of the Rights of his Crown, need not in any wiſe be ſcrupulous to follow in the uſe of the *Regalia*, the Example and Foot-ſteps of *Saint Lewis*, and ſo many other Princes, recommendable for their Wiſdom and Piety; and though he has approv'd and confirm'd what the late King his Father, of Glorious Memory, had remitted of the Temporal *Regalia*, in favour of the Biſhops, and that this Condeſcention does ſufficiently denote, that He lets not any occaſion ſlip of giving the Church marks of his Piety, even to the Prejudice of his Intereſts: Yet this Incomparable Prince, who would that Juſtice ſhould be the Rule of all his Actions, reſolv'd to aſſemble the Clergy of *France*, to hear the Remonſtrances and Requeſts of the Biſhops, and to grant them the greater part of what they askt of him, and in favour of the Diſcipline

ſcipline He vouchſaft in ſome wiſe to leſſen his Authority, and Augment that of the Prelates.

In the Aſſembly held upon Occaſion of the Affairs of the *Regalia*, the Biſhops being inform'd that the *Italian* Doctors, and the Emiſſaries of the Court of *Rome*, omitted not any means to ſpread about the Kingdom, the new Opinions of the Popes Infallibility, and the indirect Power which *Rome* ſtrives to uſurp over the Temporality of Kings; that Aſſembly, We ſay, did not pretend to frame a Deciſion of a doubtful Contraverſie; but give a Publick and Authentick Teſtimony of a certain Truth, taught by all the Fathers of the Church, and determined by all the Councils, and eſpecially by thoſe of *Conſtance* and *Baſile*. And it's well known that the Cardinal of *Lorrain* aſſiſting at the Council of *Trent*, publickly declared that the Faculty of Divinity at *Paris*, the Univerſities of the Kingdom, and in a word, all *France* was perſuaded, that the Pope, far from being Infallible, ought to ſubmit to the Deciſions of Councils, and it does not appear that this Aſſertion, made him incurr any Reproach from the Court of *Rome*.

Yet has the World with amazement ſeen, that the Pope lookt upon this Declaration as an injury done to his Authority; inſomuch, that the King having nominated to the Epiſcopacy, ſome of thoſe that aſſiſted at that Aſſembly; and who are as well recommendable for their Piety and Virtue, as for their Knowledge and Learning;

Bulls

Bulls were refused them, on pretence that they do not make Profession of a found Doctrine.

If this foundation is solid, we are like to have no more Bishops for the future: Since all the Ecclesiasticks of the Kingdom, and particularly those that in the Universities take the necessary Degrees to attain to Prelacies, with an invincible steddiness maintain the Propositions which the Pope complains of.

Tho this refusal has not the least glimmering of Reason, yet does it nevertheless, raise a very great Scandal, and produce Disorders, beyond expression. And indeed, the Pope's Obstinacy is the Cause, that thirty five Cathedral Churches remain destitute of Pastors, and this in a time when a vast number of newly Converted Persons stand in need of Instruction, for their being fortified and confirmed in the Orthodox Belief, and when the Presence of the Bishops is very necessary in their Dioceses.

Who could ever imagine that the Pope, who is proposed to us as an Image of Holiness and Virtue, should remain so wedded to his Opinions, and so jealous of the shaddow of an Imaginary Authority, that he should leave the third part of the Churches of *France* Vacant, because We will not own him to be Infallible?

Those that inspire these thoughts into the Pope, can they fancy they shall make us change our Opinions? And are they so blind, as not to know

know that those Unhappy times are past, when a gross ignorance joined to a Faintness in the Government, and false Prepossessions, rendred the Pope's Decrees so very dreadful, however unjust they might be; and that those Disputes and Quarrels, far from augmenting their Power, do only serve to cause enquiry to be made into the Origine of their Usurpations, and lessen the Veneration of the People rather than encrease it?

Matters did not remain in these terms, the Pope eager to signalize his Popedom by some extraordinary Innovation, conceived the Design of destroying the Franchises of the Ambassadours of Crowned Heads.

Suppose those Franchises were gracious Concessions by the Popes, yet could they not be revoked without lawful Causes. *Julius* the 3*d*, *Pius* the 4*th*, *Gregory* the 13*th*, and *Sixtus* the 5*th*, complain'd, indeed, of the abuses committed by some of the Ministers of Princes, in their giving Sanctuary in their Quarters, to Persons guilty of Enormous Crimes, they contrived Expedients to put an end to this Disorder, or to lessen it: And if they at any time offered to abolish the Franchises, such their offers were in vain and ineffectual: And they have own'd by their Bulls, that the Ministers of Princes were in this grounded on an Ancient Possession, which, notwithstanding those vain endeavours, has ever since continued.

But the Preheminencies of the Crown of *France* are built upon Authentick Titles, which the Popes cannot diſown without extreme Ingratitude.

Can they forget, that having been a long while perſecuted, impriſon'd, baniſh'd, one while by the Emperours of *Conſtantinople*, or by the *Exarchs* of *Ravenna*, and another while by the Kings of the *Lombards* : *Pepin* and *Charlemagne* not only freed them from that ſlavery ; but they gave them out of pure Liberality, what is now called the Patrimony of Saint *Peter* ? Have not ſeveral of them own'd, that the Church, and particularly the See of *Rome*, has received in all times from our Kings all ſort of Succour and Protection ? And is not this what has made them merit the Glorious Title of Eldeſt Son of the Church ? And *Rome* being now as it were the Center of the Unity of the Church, is it not juſt that He who has Right to make himſelf known in the Quality of Sovereign, ſhould receive in the Perſon of his Miniſters ſuch marks of Reſpect and Deference, as are due both to the Dignity of his Crown, and to his Sacred Perſon ?

Beſides, the Ambaſſadors of our Kings ever maintain'd themſelves in poſſeſſion of the Fran-

chiſes: and the King having Expreſs'd his Reſentment for the Inſult done in the Quarter, and to the Family of the Duke of *Crequi* His Ambaſſador, ſatisfaction was given for that Injury: the Pope's Nephew came in Quality of Legate to make Excuſes to the King; the Regiment of *Corſi* that had committed the Violence, was caſhiered; thoſe, whoſe Orders they had executed, were puniſhed; a Pyramid was erected at *Rome* to be as a Monument for the King's Honor: And what more particularly relates to our Subject, it was agreed by the Treaty of *Piſa*, that all Duty, Reſpect and Deference ſhall be paid to his Majeſty's Ambaſſadors. And if the leaſt Enquiry be but made into the Occaſion of the Quarrel, it is eaſie to find, that by this Article the Franchiſe of our Ambaſſadors ſtands approved and confirm'd.

After this, can it be conceived, that the Pope ſhould have proceeded to that Extremity, as to declare by a Bull, that he abſolutely revokes the Franchizes of the Quarters in reſpect of all Ambaſſadors; and to add to that Bull vain Threats of Excommunication, that are not capable of creating the leaſt Terrour in the moſt timerous Minds, and in the niceſt Conſciences.

We do not pretend, Gentlemen, to prove by a number of tedious Citations, that neither Our Kings

Kings nor their Officers can be ſubject to any Excommunication in all that relates to the Exerciſe of their Places: theſe are certain Maxims that cannot be called in queſtion, and that have no need of Confirmation; and we dare boldly affirm there is not a perſon, even in *Rome*, that ſeriouſly believes, that an Ambaſſador, that executes his Maſter's Orders that are not grateful to the Pope, does thereby incur Eccleſiaſtical Cenſures.

Preſuppoſing that ſome difference be ſtarted between the King and the Pope concerning the Franchiſes of the Quarter of the *French* Embaſſador: It is a Concern altogether Temporal, of the number of thoſe which Soveraigns Treat amicably between themſelves through the Interpoſition of their Miniſters; and nothing can be obſerved in this Conteſt, that either relates to Faith, or the Doctrine of the Church, nor even the Diſcipline, or obſerving of the Canons.

Therefore it is an intolerable abuſe, that in a matter purely Secular, the Pope ſhould make uſe of Spiritual Arms, and of the Power of binding and unbinding, which *Jeſus Chriſt* has intruſted in his Apoſtles, which ought not to be employed ſave on an urgent neceſſity, for matters grave and important, which regard the Salvation of Souls; and never out of a Spirit

of Government, a motive of Revenge, or an immoderate desire of Extending ones Power.

And indeed, the Bull of *Julius* the Third, which condemns the Franchises of the Quarters, as well in regard of the Ministers of Princes, as of the Cardinals, Exhorts the Officers of Justice to do the Duties of their Places throughout the whole Town, and to make search for the Guilty, not only in Streets and publick Places, but in Houses without distinction: It declares those that shall resist them guilty of High Treason, and orders that the General of the Ecclesiastical Troops shall with main force succour and assist the Magistrates in case of Rebellion. Thus this Bull is a State-Regulation, and made by the Pope in Quality of a Temporal Prince, the Execution of which is committed to Secular Judges, and wherein there is not any track to be found of Excommunication and Censure.

The Decrees of *Pius* the Fourth, *Gregory* the Thirteenth, and *Sixtus* the Fifth, are the same, and were as successless in the upshot; Though they impose very dreadful Temporal Punishments both on the Judges that shall order the Toleration of the Franchise of the Quarters, and on the Pope's Subjects that shall make use of those Sanctuaries, to avoid the punishment of their Crimes,

Crimes, and the payments of their Debts. And indeed all theſe Bulls did not hinder our Ambaſſadors from maintaining the Franchiſe of their Quarters, and without going farther back; the late Duke *D' Eſtree* did peaceably enjoy it, and without any diſturbance till his death.

Wherefore the Pope ought to conſider the deſign of depriving his Succeſſor of it, as an Impoſſible Project. But not content with renewing thoſe Ancient Decrees, the Memory of which was almoſt aboliſh'd; and with pretending thereby to ſignalize his Zeal, he has in his Bull inſerted Clauſes of Excommunication, that rather ſhew his ill-will, and thirſt of Dominion, than the Exerciſe of a Lawful Power.

And to give ſome colour to ſo ſcandalous an Innovation, he refers to that famous Bull, ſtil'd *in Cæna Domini*, becauſe it is read at *Rome* every *Thurſday* of the Holy Week. True it is, that if this Decree, whereby the Popes Declare themſelves Soveraign Monarchs of the World, be legitimate; the Majeſty Royal will then depend on their humour, all our Liberties will be aboliſh'd, the Secular Judges will no longer have the Power to Try the Poſſeſſion of Benefices, nor the Civil and Criminal Cauſes of Eccleſiaſtical Perſons; and we

ſhall

ſhall quickly ſee our ſelves brought under the yoke of the Inquiſition.

Thus, however unjuſt and abuſive this new Decree may be, it is much leſs dangerous by the frivolous Menaces it contains, than by its being built upon a Title altogether void and vicious; and that in this Conjuncture, it looks as if *Rome* would at preſent follow the ſteps of *Julius* the 2d. renew his Animoſity and Rage againſt *France*, without making reflection how odious his Memory is in the Chriſtian Commonwealth.

When Pope *Gregory* the 4th meaning to render himſelf Arbitrator of the Diſpute that aroſe between *Lewis* the *Debonnair* and his Children, threatned the Biſhops of *France* to Excommunicate them, if they did not cloſe with his Deſigns: Thoſe Prelates being ſurprized at a Procedure ſo contrary to the Canons, couragiouſly anſwer'd, That *they would not obey the Pope's Will; and that if he came with a deſign to Excommunicate them, he ſhould himſelf return Excommunicated: Si Excommunicaturus veniret, Excommunicatus abiret*; as if they meant to ſay, That he, who without lawful Cauſe, and through humane Motives, undertakes to ſuſpend one of the Members of *Jeſus Chriſt* from the Communion

nion of the Church, does ſeparate himſelf from it by ſuch an unjuſt attempt.

Let us further urge, that the ill uſe which the Popes have in ſo many Occaſions made of the Authority with which they are entruſted in giving it no other Bounds than thoſe of their own will, has been the ſource of almoſt all the incurable Miſchiefs, with which the Church is afflicted, and the moſt ſpecious Pretences of the Hereticks and Schiſmaticks that the laſt Age produc'd, ſo as the Divines aſſembled by Pope *Paul* the Third's Order, did ſincerely own; and beſides at preſent, the bare Idea of the Infallibity, and indirect Power which the Complaiſance of the *Italian* Doctors does Attribute to the See of *Rome*, upon the Temporalty of Princes, is one of the greateſt Obſtacles that oppoſe the Converſion, not only of individual Perſons, but of whole Provinces; and Peoples minds cannot be too thoroughly convinc'd that theſe new Opinions do not make part of the Doctrine of the Univerſal Church.

It is obſervable, that though the Bull which revokes the Franchizes of Ambaſſadors, be ſubſcribed by a conſiderable Number of Cardinals; almoſt all thoſe that compoſe the Sacred Colledg, uſed their utmoſt endeavours to dif-

diſſwade the Pope from publiſhing it, and only Sign'd it out of a blind Obedience to his Orders. And would he have given the leaſt Ear to Reaſon, rather than to the fallacious and ſelf-intereſted Counſels of the Flatterers that ſurround him: the Advice which Cardinal *d' Eſtree* gave him in Writing, would have diverted him from ſo unjuſt an undertaking, and which may produce ſuch very ſad Events.

However, tho this pretended Bull has not been publiſhed in *France*, nor ever ſignified to the *Sieur* Marquis *de Lavardin*, whom the King had appointed for his Ambaſſador at *Rome*; and though the Menaces it contains, are only directed to thoſe that ſhall pretend to maintain the Franchizes of the Quarters of Ambaſſadors, and that he was ſtill uncertain what Orders that Miniſter had received from the King his Maſter; at the moment he enters upon the Territories that are in Subjection to the Pope, the Legate of *Bologna*, and the other Governors of the Eccleſiaſtical State, receive Prohibitions of paying him in any place the Honours and Civilities due to his Character. He arrives at *Rome*, and the Cardinals are forbid to viſit him, or to have any commerce with him.

If he had been an Envoy from the Emperour of the *Turks*, from the King of *Perſia*, or ſome other Infidel Prince, he would not have been ſo rigorouſly us'd. Is it that the Pope means to have no more Commerce with *France*? Is he perſuaded that His Power reaches no farther than the Dioceſs of *Rome*, and his Patriarchſhip than the Neighbouring Provinces, ſtiled Suburbicarial? Does he intend to renounce the Quality of *Head of the Church*, and *Common Father of the Faithful*? And may not this ſuſpicion be juſtly conceived, when we ſee, that at *Rome* Audience is refuſed to the Ambaſſadour of the greateſt King in the World, and to the Miniſter of a Prince, infinitely more recommendable for his Piety, and the care he takes to reſtore in his Dominions the true Worſhip of God, than for all the other Heroick Vertues which he poſſeſſes in a ſupream Degree.

And herein the Pope and his Officers Proceedings have appeared ſo irregular to the whole Earth, that the Ambaſſadours, and other Miniſters of the Chriſtian Princes that Reſide at *Rome*, and who, in the Field of *Flora*, heard and ſaw the *BULL* Affixed, which condemns the Franchizes, did, nevertheleſs, own the *Sieur de Lavardin* as the Kings Ambaſſadour, viſit him, and converſe with him; and they with reaſon conſidered the Menaces of *Excommunication* inſerted in the *BULL*, as the impetuous motion of an immoderate heat, that can neither produce effect, or be of continuance.

And what will appear moſt ſtrange, is, that the *Moſt Chriſtian King*, the Eldeſt Son, and Protector of the Church, ſending a Miniſter of Peace to *Rome*, the

Pope will neither hear him, nor be acquainted with, his Inſtructions: And not only perſeveres in this refuſal, whatever Invitation or Warning is given him; but the Kings Ambaſſadour having aſſiſted at the Midnight Devotions on *Chriſtmas-Eve*, and having fulfilled all the Duties of a Chriſtian, with great Piety and Edification; The Pope being over-rul'd by the Enemies of *France*, looks upon that Holy Action, as a prophanation of our moſt Auguſt Myſteries; and in *Rome* a *Placcard* has been Affix'd, containing, that the *Parochial Church* of St. *Lewis* is denounced to be Interdicted; becauſe, that the Curate and Miniſters of that Church have had the boldneſs to admit to the Divine Office, and to the participation of the Sacraments, *Henry de Beaumanoir*, Marquis of *Lavardin*, notoriouſly Excommunicated.

Can any thing be more unreaſonable, and more unjuſt, not to ſay more monſtrous than this Placcard? Were any juridical Citations made to the *Sieur* Marquis *de Lavardin*? Was there pronounc'd againſt him any Sentence of *Excommunication* that has been Affixed and Publiſh'd in *Rome*, or ſignified to the Pariſh St. *Louis*? This Pariſh, by a *BULL* of *SIXTUS* the Fifth, is Declared the National Church of the *French*, with this Circumſtance, that in whatever part of *Rome* they make their Abode, they are reputed Pariſhioners of St. *Lewis*, and oblig'd there to aſſiſt at the Divine Service, and there to receive the Sacraments.

It would be eaſy to ſhew how very Odious theſe ſort of Interdicts are, how very contrary to the Spirit of the Church, and the Decrees of the Councils, nay and how many Precautions and Procedures are required, according to the Sentiments of the Canoniſts, to render them valid: And the ill ſucceſs of the Interdict of *Venice* ought for ever to hinder Popes from Thundering out Cenſures, and publiſhing Interdicts to maintain their Authority. Beſides the whole World is convinced, that it is not the Zeal of the Houſe of God, but Spite and Reſentment, that occaſion'd the Publication of that Placcard, which at *Rome* has only produced Indignation againſt thoſe who inſpire the Pope with ſuch Pernicious Councils.

It's well known that ſome years ago, the Pope having pretended that the King of *Spain*'s Officers at *Naples* had made Invaſions upon the Eccleſiaſtical juriſdictions: He attack'd them with Cenſures that were publickly thunder'd out: Nevertheleſs theſe Officers did with reaſon ſlight thoſe frivolous Excommunications; they aſſiſt at the Divine Service, the Sacraments are adminiſtred to them: And the Pope never thought of interdicting any of the Churches of *Naples*: Which ſhews that this Pretended Interdict to is no other end, than to inſult the Kings Ambaſſadour.

And in all the Popes Conduct there is diſcovered ſo much partiality, in favour of thoſe that are Enemies, or jealous of the Proſperities of this Crown; ſuch Affectations of giving *France* a Diſtaſte in matters Indifferent, and even in thoſe that would be moſt advanta-

geous to the good of Religion; that it is difficult to conceive, that his Majeſty has ſo long diſſembled, and remained within the Bounds of ſo exact a Moderation.

But the noiſe and ſcandal, which this Placcard affix'd at *Rome* will not fail of producing in all the *Chriſtian* Empire, does not allow us to keep ſilence. And We cannot, without a ſhameful Prevarication, ſuffer the Invaſions, which the Court of *Rome* does continually endeavour to make upon the Kings Authority, on the Rights of the Crown, and the Liberties of the *Gallican* Church.

The Pope can neither diminiſh the Preheminences and Prerogatives, that belong to the greateſt King in the World, nor deprive his Ambaſſadours of the Franchizes which the Dukes of *Crequi*, *Chaulne*, and *d'Eſtrees* enjoy'd in his ſight, and by his Predeceſſors Avowal; and which are grounded upon Authentick Titles, and upon a poſſeſſion of ſeveral Ages.

If in the uſe of thoſe Franchizes any abuſe be commited, the Kings Piety, who wiſhes nothing with ſo much fervency, as to ſee Juſtice reign, leaves us no room to doubt, would with delight embrace any reaſonable expedients that ſhall be propoſed to hinder Enormous Crimes from remaining unpuniſhed.

But the Pope makes it a point of Honour to take away the Franchizes from the Miniſters of all Princes, and would fain comprehend the Kings Ambaſſadour in this

this Deſign, who ought to have Prerogatives above all others: This is what a King, on whom Victory continually attends, and who by his Moderation alone has ſet bounds to his Conqueſts, will never ſuffer: And We are aſſured that He will not omit taking all ſorts of Vigorous Reſolutions, to hinder that during his Glorious Reign, *France* may not ſuffer ſuch a Blemiſh.

And as we have already obſerved, that in this Affair the thing in Agitation is purely a Political Diſpute, and wherein Religion has no ſhare: the Pope's Bull, that with Excommunication threatens thoſe that would maintain the Franchizes, is legally null. And in this occaſion the Thunders of the *Vatican* have nothing formidable; they are Tranſitory Fires, that exhale into ſmoak, and which do neither hurt nor prejudice, ſave to thoſe who darted them.

And tho this Bull be neither publiſh'd nor executed in the Kingdom, it is not the leſs abuſive. We do not doubt, but that a more moderate Pope, reflecting upon the diſorders which ſuch an Innovation is capable of producing, would imitate the Example of *Clement* the Fifth, who, by a ſolemn Decree, did for ever aboliſh the memory of what his Predeceſſor *Boniface* the Eighth had unjuſtly undertaken againſt King *Philip* the Fair; And this Retractation, which proves that the Popes are not Infallible, ſince the one deſtroys what the other had

had built; among others, revokes the Bull, *Unam Sanctam*; wherein *Boniface*, whose proud Conduct was blamed by the whole Church, declares that the Sword of Soveraigns is subjected to the Popes Spiritual Faulchion

Nay, We hope that the *Pope* will at the long run find out the Deviations and Precipices, wherein those that abuse his Trust, endeavour to engage him: But in expectation that God will touch his Heart, and that *Rome* it self shall own this Errour by a solemn Confession, the Protestation which We can make against that Bull, which sufficiently destroys it self, and whose nullity is known by all understanding persons, is to put in a simple Appeal against this as an Abuse.

The Abuse of it is visible, since a Minister of the King's, an Ambassador whose Person is Sacred even among barbarous Nations, can never incur the Ecclesiastical Censures in what regards the Functions of his Office.

And though this Remedy being in our hands, there is no need of seeking out another, nor of making use of the way of simple Appeals; We are nevertheless perswaded, that the liberty which the Popes take of employing the Power of the Keys, and the Power that is committed to them to Edifie, and not Destroy; that this Liberty, We say, ought to be repress'd by the Authority of a Coun-

cil,

cil, and that after the Example of our Anceſtors We may have recourſe thereunto, however with this Preeaution, that We do not pretend that the Franchizes which belong to the King's Ambaſſador, can ever be the Matter of Controverſy ſubject to the Eccleſiaſtical Tribunal and Juriſdiction. The King only holds his Scepter and all the Priviledges that are thereunto annex'd, from the Hand of God alone; and there is no Power upon Earth that can give bounds to his Authority.

If then we put in an Appeal to the future Council againſt the Cenſures contain'd in the Bull, and againſt the Interdict that is a Conſequence and acceſſary of it; it is becauſe that not only the Deciſions of Popes, but their very perſon, when they fail in their Duty in the Government of the Church, is to ſubmit to the Correction and Reformation of the General Council, in what regards as well Faith as Diſcipline. An indiſputable Truth whence We ſhall never depart, whatever endeavours the Partizans of the Court of *Rome* may uſe.

The Pope's denying to grant Bulls to all the Biſhops nominated by the King, occaſions a Diſorder that dayly augments, and which requires a ſpeedy and efficacious Remedy. The Councils of *Conſtance* and *Baſil* having endeavoured to contrive ſome moderation to the Court of *Rome*'s Uſurpations, and to the Confuſion that was introduced

duced in the distribution of Benefices, the pragmatick Sanction was afterwards compos'd of the Decrees of those Councils. But the Popes thereby perceiving their Authority to diminish, made use of all sorts of Artifices to abolish it; and by the Concordate made between King *Francis* the *1st* and by Pope *Leo* the *10th*, they regulated the manner of disposing of Bishopricks and Abbies: To the Pope was granted not only the devolution, but also the prevention, and the power of admitting the Resignations in favour, and many other Articles that are very burdensome to the ordinary Collaters, and absolutely contrary to the Ancient Canons.

And indeed our Fore-fathers did for a long while complain against the *Concordate*. The Ordinance of *Orleans* did re-establish the Elections; and it would be very advantageous that all Ecclesiastical Matters were transacted in the Kingdom, without ever being obliged to have recourse to *Rome*. In the sequel nevertheless the *Concordate* was sincerely executed on our part; and it is inconceiveable that the *Pope* should now, through an invincible Obstinacy, reduce us to deprive him of the profit, which the Court of *Rome* derives from a Treaty, which is so much to its advantage.

The King is most Religious, in nominating to the Prelacies Ecclesiasticks of an exemplary Integrity, and of conspicuous merit; and because that these

Eccle-

Eccleſiaſticks do not believe that the *Pope* is *INFALLIBLE*; that they do not like the *Italian* Doctors, attribute to him the Title of *Univerſal Monarch*; that they are perſuaded He has no power, either direct or indirect, over the Temporality of Kings, and that He is to all intents inferiour to the Councils, that have a right to Correct Him, and to Reform His Deciſions. The *Pope* upon this imaginary pretence, refuſes them *BULLS*, and leaves the third part of the Churches of the Kingdom deſtitute of *Paſtors*. Is this imitating the Care and Lenity of the Apoſtles in the Government of the Church.

After all, before the *Concordate*, thoſe that were Elected by the Clergy and the people, and afterwards by the Chapters, in preſence of one of the Kings Commiſſioners: Were they not Ordained by the *Metropolitan*, aſſiſted by the Biſhops of the Province, after that the King had approved of their Election? The Right acquired to the King by the *Concordate*, being Authorized in this reſpect by the Tacit conſent of the whole *Gallican Church*, and confirmed by a poſſeſſion of near two Centuries, ought ſo much the leſs to receive any Change and Invaſion, that during the firſt four Ages of the Monarchy, they went not to *Rome* to demand Inſtitution and Induction of Benefices: The Biſhops Diſpos'd of all thoſe that were vacant in their Dioceſſes; and our Kings did almoſt ever nominate to the Biſhopricks; and as they ſometimes granted the Clergy and the people

the liberty of Electing a Paſtor: they often reſerv'd the choice of him to themſelves; he they had choſen was immediately Conſecrated, without the Popes intermeddling in the matter. Who hinders us from following theſe Examples, grounded upon this excellent Reaſon, That the Right, which all the Faithful had in the beginning of appointing themſelves a Head; being no longer to be exerciſed in common, ought to paſs into the Power of the Soveraign, on whom the Subjects rely for the Government of the State; of which the Church is the nobleſt part.

But as to the *Pope*, ſince He refuſes to joyn the Concourſe of His Authority to the Kings Nomination: We may preſume, that He means to diſcharge Himſelf of the painful burden which overwhelms Him; and that His Infirmities not permitting Him to extend His Paſtoral Diligence over all the parts of the *Univerſal Church*; the Devolution that is made in caſe of negligence, ſometimes even from the Superiour to the Inferiour, may Authorize the Biſhops to lay the Hands on thoſe that ſhall be Nominated by the King to the Prelacies; His Nomination having as much, or more effect, than the Election of the people nd the Clergy, which ought, without difficulty, to be Confirmed by the Immediate Superiour; when an unworthy perſon was not choſen.

And

And if the like reſolution requires the being accompanied with ſome temperament; If it requires the Biſhops Concurrence: The King may be beſought to convene the Provincial Councils, or if need be, a National Council; therein to take Reſolutions ſuitable to the Occaſions of the *Gallican* Church.

And as the Evil ſeems urgent, and that there would be poſſibly ſome danger in venturinig upon the delays that are inſeparable to the holding of a National Council, His Majeſty may aſſemble ſuch as he pleaſes of the principal Officers, of the Biſhops, and conſiderable Perſons of all the Orders of his Realm, to take their advice in ſo important an Affair.

But it is not juſt, that while that the *Pope* refuſes to Execute the *Concordate* in one of its principal Articles, he does, nevertheleſs, enjoy the Advantages that are granted him by that Treaty, which contains Conventions reciprocally obligatory; that people continue to go to *Rome*, and thither carry Money, for the obtaining either the

Inſtitutions of Benefices or Diſpenſations, that may be eaſily expedited in the Kingdom.

Now if we propoſe to break off this Traffick, it is only becauſe it ceaſes to be reciprocal; and becauſe that the Pope by his Obſtinacy, interpoſing an invincible impediment to the Expedition of the Bulls of a great number of Biſhopricks. It would be a ſhame to ſuffer that the *Gallican* Church ſhould remain burden'd with the Yoak of Prevention of Reſignations in favour, and of all the other Servitudes whereunto *France* was content to ſubmit by the *Concordate*.

And herein We do but faintly repel the Injury that is done Us: We oppoſe the Buckler of our Liberties againſt a New and Un-exampled Enterprize. Calamity and Anathema, to thoſe that out of Intereſt or Caprice, diſturb the Correſpondence that ought to be between the Prieſthood and the Royalty, Who ſeem to have no other Aim than to raiſe a Schiſm in the Church, and by fatal Diviſions diſturb the Peace which all *Europe* enjoys, and which was procured It by the Valour and Wiſdom of our Invincible Monarch.

'Tis

'Tis very ſtrange, that the *Pope* whoſe Principal Care ought to be to preſerve the purity of the Faith, and to hinder the progreſs of new Opinions, has never ceaſed ſince he has been ſeated in St. *Peter's* Chair, to Converſe and have a Correſpondence with all thoſe that had publickly declared themſelves the Diſciples of *Janſenius*, whoſe Doctrine his predeceſſors had condemned: He has loaded them with his Favours, has ſpoken to the higheſt degree in their praiſe, declared himſelf their *Protector*; and this dangerous Faction, which for thirty years together omitted no manner of means to leſſen the Authority of Eccleſiaſtical and Secular powers, that were not favourable to it, does now erect Altars to the *Pope*, becauſe he backs and foments this Cabal, which would anew have ruffled the peace of the Church, if the fore-ſight and indefatigable Cares of a Prince, whom Heaven has produc'd to be the Buckler and Defender of the Faith, had not ſtopt its Current.

To which may be added, that the Pope, inſtead of making it his whole buſineſs to ſtifle in their Birth the Errours of the *Quietiſts*,

tiſts, he in that reſpect remains in a kind of Drowſineſs and Lethargy, and while that upon Matters and Occurrences that are certainly of no ſuch moment to Religion, he makes ſuch a buſtle, and publiſhes Declarations that create ſo much trouble; hardly will he ſuffer to be executed the Condemnation part againſt the Author of a Sect, which under ſhadow of a Refinement of Devotion, and of attaining to a degree of Imaginary Perfection, only vends Illuſions to us; and which in the bottom ſeem to have no other ſcope than to deſtroy *Chriſtian* Morality: And though that theſe Errours be ſpread about both in *Italy* and *Spain*, the Pope does not give way to the proſecuting perſons of the firſt Rank, who either teach them, or make profeſſion of them; and it is eaſie to conceive the ill effects which this conduct is capable of producing.

But whatever endeavours thoſe factious Spirits may uſe that poſſeſs the Pope and abuſe the power which his great Age and Infirmities oblige him to give them in the Government of the Church, We ſhall ever remain inſeparably united to the Holy See,

See, We will acknowledge Saint *Peter's* Succeſſor as the firſt and the chief of the Biſhops, We will moſt Religiouſly maintain the Communion and Correſpondence with the Church of *Rome*, and we will defend our ſelves with as much moderation as vigour againſt the Inſults, Invaſions, and Innovations contrary to the King's Rights, to the Dignity of his Crown, to the Decrees of the Councils, to the General Policy of our Church, and to our Liberties.

All theſe Reaſons, and a world of others which we omit, oblige us to require that it would pleaſe the Court to admit Us as appealing againſt the Abuſe of the Bull, dated in the Month of *May* laſt, and of the Ordinance given in purſuance thereof: And upon our Appeal, to declare the ſaid *Bull* and *Ordinance* void and abuſive; making Prohibition to all Perſons, of vending them in the Kingdom, on pain of being proceeded againſt according to the ſeverity of the Law; enjoyning all thoſe that have Copies of them, to bring them to the Regiſter of the Court, in order to their being ſuppreſſed: As likewiſe, to order that the Act of Appeal, made by the Attorney General to the

the future Council, be Regiſtred in the Regiſter of the Court: That the King ſhall be moſt humbly beſought to employ His Authority for the maintaining of the Franchizes, and the immunity of the Quarter of his Ambaſſadours at *Rome*, in the whole Extent that they have hitherto had: Moreover that His Majeſty may be humbly deſired to order the holding of Provincial Councils, nay and of a National Council, if need be, or the Aſſembly of the Nobles of his Realm; and after having heard their advice to chooſe the means he ſhall reckon moſt fitting, for the hindering the Diſorders which the vacancy of ſo many Archbiſhopricks and Biſhopricks in the Kingdom do produce, and prevent the Increaſe and Progreſs of ſo dangerous an Evil. We further require that the King be alſo moſt humbly beſought to forbid his Subjects to have any Commerce in the mean while with *Rome*, and of ſending any Money thither, and in this to interpoſe his Authority as far as he ſhall judge convenient, and that it be ordered by the Court that the Arreſt that ſhall intervene upon our preſent Concluſions, ſhall be affix't in the publick Places, and every where as ſhall be needful in the wonted manner.

The

The King's Council being withdrawn, a Copy being perus'd, Printed at *Rome* of a *Bull* concerning the *Franchiſes* of the Quarters of the ſaid Town, and of the following Ordinance of *December* 26. laſt, together with the Act of Appeal put in to the future Council by the King's Attorney General the 28*th*. of this Month, and the Concluſions by him taken in writing, the Matter being brought under Debate.

The Attorney General's appealing from the abuſe of the ſaid Bull, and of the following Ordinance on the 26*th* of *November* laſt the Court admitted of the ſaid Appeal, and declares the ſaid Bull and Ordinance as null and abuſive; Prohibits all Perſons whatſoever to vend them in the Kingdom, on pain of being proceeded againſt according to the ſeverity of the Law; enjoyning thoſe that have Copies of them to bring them to the Regiſter of the Court, there to be ſuppreſſed; orders that the Act of Appeal put in by the King's Attorney General to the future Council, ſhall be regiſtred in the Regiſter of the Court, and that the King ſhall be moſt humbly deſired to employ his Authority for the maintaining the Franchiſes and Immunities of the Quarter of his Ambaſſadors in the Court of *Rome*, in the whole extent they have hithero had, to order the holding of Provincial Councils, or even of a National Council, or an Aſſembly of the Nobles of His Kingdom, ſo to adviſe about the moſt ſuitable Means for the remedying the Diſorders which the long Vacancy of ſeveral Archbiſhopricks and Biſhopricks, has therein introduced, and to prevent the progreſs and encreaſe of them, and in the mean while to forbid his Subjects in ſuch manner as the ſaid Lord the King ſhall judge convenient to have

any Commerce, or remit any Money into the Court of *Rome*. And this preſent Arreſt to be affix'd in the public and uſual Places of this Town, and every where as ſhall be needful. Done in Parliament on the 23*d*. of *Jan*. 1688.

Sign'd *Jacques*

Act

Act of the Appeal put in by the Attorney General to the Council upon the Subject of the Pope's *Bull concerning the Franchiſes in the City of* Rome, *and of the following Ordonnance on the* 26th. *of* December *laſt.*

BEfore the underwritten Apoſtolical Notary was preſent in his own Perſon, *Meſſire Achilles de Harlay*, Counſellor of the King in his Council of State, and his Majeſties Attorney General, who in the Preſence, and by the Advice and Council of *Meſſire Denis Talon* and of *Meſſire Francois Criteau de la Moignon* alſo, Counſellors of the King in his Council of State, and his Advocates General in his Court of Parliament, has declared that having ſome time ſince ſeen Copies of a Bull given on the 12*th.* of *May* laſt paſt, by our Holy Father Pope *Innocent* the 11*th.* concerning the Franchiſes which certain Perſons are in poſſeſſion of enjoying in the City of *Rome*, he could not have imagined that his Holineſs could have conceived the deſign of comprehending the Ambaſſadors which the King was willing to ſend to him, in the general Menaces of Excommunication which he judg'd convenient to inſert therein, contrary to the Uſe obſerved by other Popes in the Bulls made by them; he had hoped that if the Remembrance of the ſovereign Power which Kings, his Majeſty's Predeceſſors exerciſed in *Rome*, of their Liberalities to the Holy See, and of the Protection they gave to ſeveral Popes, could not induce this Pope to cauſe to be

rendered to the King in the Perſons of his Miniſters, Honours & Teſtimonies of Acknowledgment proportionable to his Bounties, at leaſt his Holineſs as viſible Head of the Church, would not be inſenſible to the Prodigies which the King had performed before his Eyes for the re-uniting in the Boſom of this good Mother ſo vaſt a number of Children that were gone aſtray from her, that he would be affected with the Piety of this Prince, and the powerful Protection he continually gives to Prelates, tho he was not with his Victories and Power; and that he would not enter into diſpute with him about Rights that had not ſuffered any Invaſion, even for ſeveral years under his Popedom.

But being informed that his Holineſs had given order to the Cardinal that is his Vicar in *Rome*, to declare the Church of St. *Lewis* of the ſaid City, and the Eccleſiaſtics that officiate in it, interdicted for having admitted to the participation of the holy Myſteries and Sacraments on the Night wherein is celebrated the Solemnity of our Lord's Nativity: *Monſieur le Marquis de Lavardin* the King's Ambaſſador extraordinary to his Holineſs, and that it was ſuppoſed by the Ordonnance delivered upon this Subject, that he was notoriouſly excommunicated for pretended Contraventions to this Bull, the ſaid Attorney General did not think that he could without being wanting to his Duty, remain any longer in the Silence he had hitherto kept.

Now if the Matter which has given an occaſion to ſo great an Exceſs, did concern the Eccleſiaſtical Juriſdiction which belongs to the Pope, he would eaſily ſhew the Errors that have been committed by proceeding againſt a Perſon that has not been particularly ſpecified in that Bull, to whom

the State of Matters has not been ſignified ſince his being at *Rome*, who might be ignorant of them in *France*, where it was not publiſht, that the Pope could not condemn him as an Ambaſſador, tho his Character ought to ſecure him from thoſe Thunders, in regard of his Functions, yet His Holineſs would not ſo much as hear or own him in that Quality, whatever Addreſſes he has caus'd to be made for that purpoſe, and that in fine, the very Rules of the Canon Law requires that Perſons of ſo eminent a Dignity, as is that of his, ſhould be pointed out by Name in Bulls of that Nature, before they can incur the Penalties they utter.

But that the Pope in a Matter purely Temporal, as are theſe Franchiſes of the Kings Ambaſſadors, having made uſe of the Spiritual Arms, which he is only entruſted withal for the Conduct and Edification of the Church, and having conſtituted himſelf Judge in his own Cauſe, the Excommunication which his Holineſſes Cardinal Vicar declares to have been incurr'd, is ſo null, that there is no occaſion for any Proceedings to annihilate it, and thoſe that are therein comprehended, ought not to receive Abſolution, though it were even offered them at their own Homes.

And indeed the ſaid King's Attorney General does with all the *French* expect from his Majeſties ſingle Power the Reparation which theſe Proceedings challenge, and the Conſervation of thoſe Franchiſes which only depend on the Judgment of God, as all the Right of this Crown, and which can admit of no Diminution but ſuch as the King's Moderation and Juſtice may give them.

But as not any thing can contribute more to leſſen in the Minds of Shallow Perſons and Libertins the

Veneration

Veneration which People ought to have for the Power of the Church, than the ill uſe which its Miniſters may make of it; the King's ſaid Attorney General declares, that he is appealing, as indeed he appeals by the preſent Act from the abuſive uſe that is made of it in the ſaid Bull and Ordonnance, not to our Holy Father Pope *Innocent* the 11*th* better informed, ſo as has been practiſed in reſpect of ſome of his Predeceſſors; when that they had true Ideas of their Power, that their Years allowed them to act of themſelves; there might be hopes that in time they might be brought to know the Juſtice and Truth of the Complaints that were brought before them; and that neither the Preventions in favour of their Country, nor the Partialities of thoſe they honoured with their Truſt, did not prevail over the Obligations which the Quality of Common Father of all *Chriſtians* does impoſe.

Proteſting to carry on this his ſaid Appeal upon this Grievance, and upon the others, which he reſerves to repreſent to the firſt General Council that ſhall be held, as the Tribunal truly Soveraign and infallible of the Church, to which its viſible Head muſt ſubmit, as well as its other Members; and therein to further among other things a Regulation that ſhall prevent the Employing ſo Holy an Authority in Uſes ſo far from thoſe for which it was confided in the Church in the Perſon of St. *Peter*; this may make the Pope be mindful, that God having ſeparated the two Powers of the Prieſthood, and of Empire, His Holineſs cannot make uſe of the Authority of the firſt for the Rights that depend on the ſecond; that according to Temporal Laws he ought to poſſeſs thoſe large Territories which his Predeceſſors have received from the Liberality of Tem-

Temporal Princes, and particularly from that of our Kings, and that in ſhort, he would conſider upon a Truth which a great Arch-biſhop in *France* wrote to one of his Predeceſſors; that a Prelate that excommunicates a *Chriſtian* contrary to the Rules, and for Rights of a Kingdom of the Earth, may, in ſuch an Occaſion well loſe the Power of binding and unbinding, which his Character gives him; but that he cannot deprive of eternal Life, him to whom he does this Injuſtice, if his Sins do not render him unworthy of the Mercy of God. Of which the ſaid Attorney General has required of us an Act. Done in the Court, in the Preſence of the Kings Council, on the 22*d.* day of *January*, in the Year 1688.

Monſeignor Sin. Not.

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FINIS.